

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL DUANE BENJAMIN,

Petitioner,

v.

B.G. COMPTON,

Respondent.

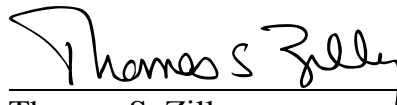
NO. C05-1630Z

CERTIFICATE OF APPEALABILITY

THIS MATTER comes before the Court on petitioner's application for a certificate of appealability pursuant to 28 U.S.C. § 2253. A certificate of appealability may issue where "the applicant has made a substantial showing of a denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Court concludes for the reasons stated in Magistrate Judge Donohue's Report and Recommendation, docket no. 5, and the Order of January 18, 2006, docket no. 8, that petitioner has failed to make a substantial showing of a denial of a constitutional right. Accordingly, petitioner's application for a certificate of appealability, docket no. 14, is hereby DENIED.

IT IS SO ORDERED.

DATED this 27th day of April, 2006.


Thomas S. Zilly
United States District Judge